

United States Department of Agriculture

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

17176-17200

[Approved by the Secretary of Agriculture, Washington, D. C., December 19, 1930]

17176. Adulteration and misbranding of canned peas. U. S. v. 45 Cases of Canned Peas. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24179. I. S. No. 010193. S. No. 2420.)

On October 25, 1929, the United States attorney for the Northern District of Illinois, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 45 cases of canned peas at Chicago, Ill., alleging that the article had been shipped by the Johannes Pure Food Co., Cleveland, Wis., June 4, 1929, and transported from the State of Wisconsin into the State of Illinois, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Commerce Brand Wisconsin * * * Sweet Variety Peas * * * Packed by The Johannes Pure Food Co."

It was alleged in the libel that the article was adulterated in that thistle buds had been mixed and packed with the article so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for peas.

Misbranding was alleged for the reason that the statement on the label, "Sweet Variety Peas," was false and misleading and deceived and misled the purchaser.

On February 20, 1930, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17177. Adulteration and misbranding of noodles. U. S. v. 30 Cases of Egg Noodles. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 23789. I. S. No. 07278. S. No. 2007.)

On June 27, 1929, the United States attorney for the District of Arizona, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 30 cases of egg noodles, remaining in the original unbroken packages at Phoenix, Ariz., alleging that the article had been shipped by Haas Baruch & Co., from Los Angeles, Calif., in various consignments, on or about January 15, January 31, and March 29 (14), 1929, respectively, and transported from the State of California into the State of Arizona, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: (Cases) "Mrs. Weber's Egg Noodles Los Angeles, Calif. Fine" (or "Wide" or "Assorted"); (carton) "Mrs. Weber's Trade Mark Fine (or "Wide") Egg Noodles * * * Mrs. J. H. Weber * * * Los Angeles, Cal."

It was alleged in the libel that the article was adulterated in that a valuable constituent, namely, egg solids, had been wholly or in part abstracted, and in that the article was colored in a manner whereby damage or inferiority was concealed.

Misbranding was alleged for the reason that the statement, "Egg Noodles" was false and misleading and deceived and misled the purchaser, and for

the further reason that the article was offered for sale under the distinctive name of another article.

On July 31, 1929, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17178. Adulteration of apples. U. S. v. 840 Boxes of Apples. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 24813. I. S. Nos. 012477, 024934. S. No. 2535.)

On December 6, 1929, the United States attorney for the District of South Dakota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 840 boxes of apples, remaining in the original unbroken packages at Aberdeen, S. Dak., alleging that the article had been shipped by Harry Thrailkill, Yakima, Wash., on or about November 8, 1929, and transported from the State of Washington into the State of South Dakota, and charging adulteration in violation of the food and drugs act. The article was labeled in part: "Orchard Run Wagener 163 Washington Apples Canoe Brand Cardwell Fruit Co. Packers and Shippers, Yakima, Washington."

It was alleged in the libel that the article was adulterated in that it contained added poisonous substances, lead and arsenic, which might have rendered it injurious to health.

On February 18, 1930, no claimant having appeared for the property, judgment of condemnation was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17179. Adulteration of tomato pulp and tomato puree. U. S. v. John F. Richards. Plea of guilty. Fine, \$20. (F. & D. No. 25001. I. S. Nos. 03481, 03482.)

On March 14, 1930, the United States attorney for the District of Delaware, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against John F. Richards, Newark, Del., alleging shipment by said defendant, in violation of the food and drugs act, from the State of Delaware into the State of Maryland, on or about October 20, 1928, of a quantity of tomato pulp, and on or about October 31, 1928, of a quantity of tomato puree, which products were adulterated. The tomato pulp was invoiced as tomato pulp. The tomato puree was labeled in part: "Packed by John F. Richards, Newark, Del. Newark Brand Made From Skins and Trimmings Tomato Puree."

It was alleged in the libel that the article was adulterated in that it consisted in part of a decomposed vegetable substance.

On March 14, 1930, the defendant entered a plea of guilty to the information, and the court imposed a fine of \$20.

ARTHUR M. HYDE, *Secretary of Agriculture.*

17180. Adulteration of rabbits. U. S. v. 2 Barrels et al., of Rabbits. Default decrees of condemnation, forfeiture, and destruction. (F. & D. No. 24447. I. S. Nos. 025512, 025513. S. No. 2719.)

On January 16, 1930, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of 3 barrels of rabbits at Buffalo, N. Y., alleging that the article had been shipped by B. R. McGee, in part from Gault, Mo., and in part from Harris, Mo., on or about December 4, 1929, and transported from the State of Missouri into the State of New York, and charging adulteration in violation of the food and drugs act.

It was alleged in the libel that the article was adulterated in that it consisted in whole or in part of a filthy, decomposed, and putrid animal substance.

On February 25, 1930, no claimant having appeared for the property, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be destroyed by the United States marshal.

ARTHUR M. HYDE, *Secretary of Agriculture.*